

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

MARK ANTHONY POWELL, )  
 )  
Plaintiff, )  
 ) No. 1:13-CV-275  
v. )  
 ) Judge Curtis L. Collier  
CAROLYN W. COLVIN, )  
Commissioner of Social Security, )  
 )  
Defendant. )

**JUDGMENT ORDER**

On December 17, 2014, United States Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b) (Court File No. 21). Neither party has objected to the R&R within the given fourteen days.

After reviewing the record, the Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge’s findings of fact, conclusions of law, and recommendations.

Accordingly, it is **ORDERED** that:

- (1) Plaintiff’s motion for judgment on the administrative record (Court File No. 15) is **GRANTED IN PART** to the extent it seeks remand under sentence four of 42 U.S.C. § 405(g);
- (2) The Defendant’s motion for Summary Judgment (Court File No. 18) is **DENIED**;
- (3) The Commissioner’s decision denying benefits is **REVERSED and REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for action consistent with this Report and Recommendation (1) to further evaluate the opinion of the consultative examining physician, Dr. Emelito Pinga and (2) to confirm the source of the Medical Source Statement of Ability to do Work-Related Activities (Physical) and reassess the weight to be given that opinion and (3) to obtain an updated review by

a State Agency physician that considers all of the medical evidence of record and (4) reassess the case including the Plaintiff's allegations of pain in light of all of the evidence.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**

ENTERED AS A JUDGMENT  
s/ Debra C. Poplin  
CLERK OF COURT